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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

BASINGER, SHERMAN D

ART UNIT PAPER NUMBER

3617

DATE MAILED: 12/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/731,263

Applicant(s)

VEAZEY, SIDNEY E.

Examiner

Sherman D. Basinger

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MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 14, 19 and 22-24 is/are rejected.
- 7) ☒ Claim(s) 6-13, 15-18 and 20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/8/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the vessel which is adapted to incorporate as the midship section a floating drydock (claim 14) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the

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description: 776 of page 63, line 1 is not shown in the drawings. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The abstract of the disclosure is objected to because patent number 5,697,473 referenced on line 3 of the abstract discloses a brake as opposed to concrete boxes. Correction is required. See MPEP § 608.01(b).

4. The disclosure is objected to because of the following informalities:

On page 1, line 11 patent 5,697,052 is to a mobile radio system and Veazey et al is not the inventive entity of this patent;

On page 62, line 1 an opening parentheses is used, said opening parentheses having no related closing parentheses;

And on page 65, line 22 and page 66, line 3 referenced patent 5,697,052 is to a radio system and not to rectangular boxes.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. Claim 14 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant has failed to describe in detail such that it can be made and used the self-propelled vessel of figures 43-45 or figure 57 which incorporates as the midship section a floating dock. How does the vessels of the above figures incorporated as their midsection a floating dock? What is the structure of this floating dock? In amending the disclosure, new matter should not be entered.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claim 19, 21, 23 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 90/08059.

WO 90/08059 discloses in figures 5 and 6 a vessel comprising what can be considered to be separable bow, stern and midship sections, each of said sections being constructed primarily of a plurality of precast concrete boxes having hexagonal or half-hexagonal cross-sections, said boxes being oriented vertically

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and interconnected by

mechanical means (prestressed cables) to form said bow, stern and midship sections into an integrated hull structure of the vessel.

It is considered that a portion of said boxes

forming said midship section are **adapted to** serve as tanks for

fuel, water and ballast, that a plurality of said

boxes in said bow, midship and stern sections are **adapted for**

special purposes comprising operations,

habitability and weapons, and that at least said midship

section is large enough and is **adapted to** serve as a mobile base for at least one type

of vehicle selected from the group

consisting of large ships, smaller vessels, small craft,

submarines, submersibles, hovercraft and aircraft.

Adapted to serve as tanks for

fuel, water and ballast, **adapted for**

special purposes comprising operations,

habitability and weapons and **adapted to** serve as a mobile base for at least one type of

vehicle selected from the group

consisting of large ships, smaller vessels, small craft,

submarines, submersibles, hovercraft and aircraft are intended uses of the boxes. If the

boxes of WO 90/08059 are capable of being used **to** serve as tanks for

fuel, water and ballast, are capable of being used for

special purposes comprising operations,
habitability and weapons and are capable as serving as a mobile base for at least one
type of vehicle selected from the group
consisting of large ships, smaller vessels, small craft,
submarines, submersibles, hovercraft and aircraft, WO 90/08059 anticipates the claims
with these limitations. The concrete boxes of WO 90/08059 due to their hollowness are
capable of serving as tanks for
fuel, water and ballast and the boxes of WO 90/08059 because of their flat upper deck
are capable of being used for
special purposes comprising operations,
habitability and weapons and are capable as serving as a mobile base for at least one
type of vehicle selected from the group
consisting of large ships, smaller vessels, small craft,
submarines, submersibles, hovercraft and aircraft

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO
90/08059 in view of Gainsley.

WO 90/08059 does not disclose that said midship section comprises cargo-carrying sections and at least one crane to handle said cargo. Note the cargo carrying midship sections of Gainsley and the cranes for handling the cargo. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to make the midship sections of the vessel of figures 5 and 6 of WO 90/08059 cargo carrying sections similar to the cargo carrying sections of Gainsley and to provide cranes similar to 6 of Gainsley to the midship sections to handle the cargo. Motivation to do so is to make the most use of the midsection of the floating platform of WO 90/08059.

10. Claims 1-3, 5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garcia in view of Winslow, Smith and Gainsley.

Garcia discloses a self-propelled vessel for transporting floating objects, comprising separate bow 10 and stern 12 sections adapted to be removably fastened together using mechanical means 19 and 24 to form the vessel alone and also to be separated and fastened mechanically to a floating object 14 to form a vessel incorporating said floating object as a midship section to transport same.

Garcia does not disclose the bow section 10 comprising at least one anchor, propulsion means, at least one power supply and control means to operate same and a crane unit.

Note the anchor of Winslow, the propulsion means 20,23 in the bow section of Smith, the inherently present power supply and control means in the bow section of Smith and the forwardmost crane in the bow section of Gainsley.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to provide an anchor similar to that of Winslow to the bow section 10 of Garcia, a propulsion means and power supply and control means similar to those in the bow section of Smith to the bow section of Garcia, and a crane similar to 6 of Gainsley to the bow section of Smith.

Motivation to do so is to make the bow section of Garcia independently operable in a manner similar to how the bow section of Smith is independently operable.

Garcia discloses in his stern section

a propulsion system, a pilot house and controls for said vessel (see column 1, lines 50-57), but does not disclose at least one anchor for the stern section. However, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to provide an anchor similar to that of Winslow to the stern section 12 of Garcia. Motivation to do so is to allow the stern section to act independently much as the stern section 2 of Smith.

Garcia is adapted to incorporate as said midship section an assemblage of floating boxes 14 which are mechanically secured together to form said floating object.

The boxes comprise at least one material selected from the group consisting of

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concrete, metal, wood, plastic and polymeric composites.

With regard to claim 14, the vessel of Garcia is considered to be adapted to incorporate as the midship section a floating drydock. Adapted to incorporate as the midship section a floating drydock is an intended use of the midsection of Garcia. So long as the midsection of Garcia can perform this intended use, Garcia makes this claim unpatentable. In this instance the midsection it self can be used as a floating drydock if a small watercraft is placed upon its upper deck for repair.

11. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Garcia, Winslow, Smith and Gainsley as applied to claim 3 above, and further in view of Cueni. Garcia does not disclose the boxes 14 as being precast concrete boxes. Cueni discloses making ships, barges and floating boxes of precast concrete. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to use the teachings of Cueni to make the boxes 14 of Garcia of precast concrete. Motivation to do so can be found in the first column of page 1 of Garcia.

Allowable Subject Matter


12. Claims 6-13, 15-17, 18 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherman D. Basinger whose telephone number is 703-308-1139. The examiner can normally be reached on M-F (6:00-2:30 ET).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel J. Morano can be reached on 703-308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sherman D. Basinger
Primary Examiner
Art Unit 3617
12/2/04

sdb
12/2/04